

To: Monsen, Dawn M.[dawn.monsen@klgates.com]
Cc: Hyatt, Jr., William[william.hyatt@klgates.com]
From: Flanagan, Sarah
Sent: Thur 3/26/2015 9:15:00 PM
Subject: RE: LPRSA RI/FS Performance Guarantee

Dawn,

Thank you for letting me know. Since the \$2 million payment will be enough in the short term to make necessary payments, and payment is anticipated by June 2015, your proposal is acceptable.

-Sarah

Sarah P. Flanagan
Office of Regional Counsel, NJ Superfund Branch
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From: Monsen, Dawn M. [mailto:dawn.monsen@klgates.com]
Sent: Tuesday, March 24, 2015 4:07 PM
To: Flanagan, Sarah
Cc: Hyatt, Jr., William
Subject: LPRSA RI/FS Performance Guarantee

Sarah,

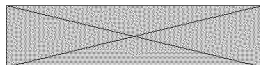
As you are aware, the last scheduled payment into the RI/FS Trust Fund is due on April 1, 2015 in the amount of \$3.6 million. However, as we have mentioned, the CPG has had increasing

difficulty collecting funds from members who have withdrawn from the Group, notwithstanding their obligations to share in the cost of performance and funding obligations under the RI/FS AOC and RM 10.9 Removal AOC. The current amount overdue from former members, excluding Tierra/Maxus/Occidental, is over \$1.1 million, with nearly \$500K due from Eden Wood Corp. alone. We have been actively following up with these members and most have assured us that payment is forthcoming. To the extent payment is not received in the near term, the CPG will advise EPA and pursue its remedies against these former members. We are also tracking down a few outstanding assessments from current members.

In the meantime, we request that EPA accept a \$2 million payment into the RI/FS Trust on April 1, 2015, with the remaining balance to follow in increments as soon as it is collected. We anticipate being in a position to make full payment by June 1, 2015 and will keep EPA apprised. Since the \$3.6 million payment is intended to cover the remaining 2014 work, we believe that a \$2 million interim payment will sufficiently cover the work in the coming months.

Please let us know if you have any questions or wish to discuss.

Thanks,
Dawn



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